

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NATHAN MARQUIS LEBARON,

Plaintiff,

vs.

CLAUDETTE LARENE BUCKINGHAM  
and ROLAND DOUGHERTY,

Defendants.

NO. CV-07-400-RHW

ORDER DECLINING JURISDICTION,  
DISMISSING ACTION AND CLOSING FILE

Plaintiff, a Massachusetts State prisoner, brings this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 against his former wife and a privately retained psychologist, claiming they interfered with his parental rights in violation of the United States Constitution. The court has made no ruling regarding Plaintiff's application to proceed *in forma pauperis*.

**DOMESTIC RELATIONS IN FEDERAL COURT**

Matters involving family law/domestic relations are best deferred to the state. The State has a strong interest in domestic relations; state courts have relative expertise in this area and the ability to provide ongoing supervision; and it is undesirable to have potentially incompatible federal and state decrees in this area. *See, e.g., Ingram v. Hayes*, 866 F.2d 368, 369-70 (11th Cir. 1988) (per curiam); *DiRuggiero v. Rodgers*, 743 F.2d 1009, 1019-20 (3d Cir. 1984);

1 Wright & Miller, Federal Practice and Procedure § 3609, at 461 (1984).

2 It is well established policy that the federal courts should  
 3 abstain from exercising jurisdiction in domestic disputes. *Peterson v.*  
 4 *Babbitt*, 708 F.2d 465, 466 (9th Cir. 1983)(per curiam)(decisions  
 5 regarding the welfare of children have been traditionally left to the  
 6 state and to the state courts.) *Cf. Lehman v. Lycoming County*  
 7 *Children's Services Agency*, 458 U.S. 502 (1982). "[T]he whole subject  
 8 of the domestic relations of husband and wife, parent and child,  
 9 belongs to the laws of the States, and not to the laws of the United  
 10 States." *Ohio ex rel. Popovici v. Agler*, 280 U.S. 379, 383  
 11 (1930)(quoting *In re Burrus*, 136 U.S. 586, 593-94 (1890)).<sup>1</sup>

12 Clearly, based on Plaintiff's prayer for relief, his primary  
 13 objective in filing this case is for this Court to overturn the state  
 14 court decisions regarding the dependency of his son. The Plaintiff's  
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16 "In keeping with this principle, 'federal courts must decline  
 17 jurisdiction of cases concerning domestic relations when the primary  
 18 issue concerns the status of parent and child or husband and wife.'  
 19 *Buechold v. Ortiz*, 401 F.2d 371, 372 (9th Cir. 1968); see also *Csibi*  
 20 *v. Fustos*, 670 F.2d 134, 137-38 (9th Cir. 1982). Even when a federal  
 21 question is presented, federal courts decline to hear disputes which  
 22 would deeply involve them in adjudicating domestic matters. See, e.g.,  
 23 *Firestone v. Cleveland Trust Co.*, 654 F.2d 1212, 1215 (6th Cir. 1981);  
 24 *Bergstrom v. Bergstrom*, 623 F.2d 517, 520 (8th Cir. 1980); *Huynh Thi*  
 25 *Ahn v. Levi*, 586 F.2d 625, 632-34 (6th Cir. 1978); *Hernstadt v.*  
 26 *Hernstadt*, 373 F.2d 316, 318 (2d Cir. 1967)." *Thompson v. Thompson*,  
 27 798 F.2d 1547, 1558 (9th Cir. 1986).

1 claims are a blatant collateral attack on state court decisions  
2 disguised as a civil rights claim. See *CSIBI*, 670 F.2d at 138  
3 (holding that pleading an independent tort does not circumvent the  
4 domestic relations exception to federal court jurisdiction); see also  
5 *Staley v. Ledbetter*, 837 F.2d 1016, 1018 (11<sup>th</sup> Cir. 1988) (holding  
6 that district court lacked jurisdiction to hear a § 1983 claim that in  
7 essence sought to reverse a state court's child custody  
8 determination). This Court does not have jurisdiction based on  
9 section 1983 to review the constitutionality of judgments rendered in  
10 a state court. *District of Columbia Court of Appeals v. Feldman*, 460  
11 U.S. 462, 482 (1983); see also *Robbins v. District Court of Worth*  
12 *County, Iowa*, 592 F.2d 1015, 1016 (8<sup>th</sup> Cir. 1979) (res judicata bars §  
13 1983 action challenging parental rights termination on constitutional  
14 grounds not raised in state court proceedings).

15 Moreover, under the doctrine of equitable abstention, "federal  
16 courts traditionally decline to exercise jurisdiction in domestic  
17 relations cases when the core issue involves the status of parent and  
18 child," even when constitutional claims are asserted. *Coats v. Woods*,  
19 819 F.2d 236, 237 (9th Cir.), cert. denied, 484 U.S. 802 (1987).

20 Therefore, **IT IS ORDERED**, the court declines jurisdiction over  
21 Plaintiff's claims and the action is **DISMISSED without prejudice** to  
22 filing in the appropriate state court. All pending Motions are **DENIED**  
23 **as moot.**

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1       **IT IS SO ORDERED.** The District Court Executive is directed to  
2 enter this Order, forward a copy to Plaintiff at his last known  
3 address and close the file.

4       **DATED** this 28<sup>th</sup> day of March 2008.

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6                               s/Robert H. Whaley

7                               ROBERT H. WHALEY  
8                               CHIEF UNITED STATES DISTRICT JUDGE  
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